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C O N F I D E N T I A L LONDON 001842

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STATE FOR EUR/WE; PM/ISO; L/PM; AND AF/E

E.O. 12958: DECL: 07/11/2018

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SUBJECT: FOREIGN OFFICE "CAUTIOUSLY OPTIMISTIC" THAT HMG
WILL PREVAIL IN CHAGOSSIAN TRIAL REF: 07 LONDON 1996 Classified By: Political Counselor Richard M. Mills Jr. for reasons 1.4 (b) and (d)

1. (C/NF) Summary. The Foreign and Commonwealth Office (FCO) is "cautiously optimistic" that the Law Lords will grant HMG's final appeal and
--The Chagossians are granted the "right to abode," which would legally allow them to resettle on the islands;
--The Chagossians are granted only the "right of return," which would allow them to visit the islands but not establish a permanent settlement;
--The Chagossians are granted neither right, and are not allowed to visit or settle on the islands. End summary.

The Trial -----

2. (SBU) The Law Lords heard arguments in the case, Bancoult v. Secretary of State for Foreign and Commonwealth Affairs, from June 30 through

3. (SBU) HMG's grounds for overturning the lower court's ruling was predicated on three arguments:

-- "Practical Justice;" the cost of relocating the Chagossians and constructing habitation and infrastructure on the outer Chagos islands is pr
-- The security requirements of the military installations on Diego Garcia became more restrictive after 9/11, and maintaining security for the
-- The Chagossians, return would undermine issues of UK constitutional law pertaining to all British Overseas Territories, which would subseque

4. (C) The principal argument put forth by the Chagossians' lawyer was that HMG has a moral responsibility to the Chagossians and that "nature
"Cautiously Optimistic" -----

5. (C/NF) Contacts in the FCO Overseas Directorate told emboff after the hearing that they were "cautiously optimistic" HMG would prevail, but
FCO Has No Plan B -----

6. (C/NF) Though they have no evidence that the Chagossians will attempt to illegally return to the Chagos Islands if they lose the case, HMG

7. (C/NF) The FCO has not yet determined how many Chagossians would actually want to return to the islands if the Law Lords grant a right of a

8. (C/NF) The FCO officer in charge of the Chagos Islands also faults the LTRC for failing to study the costs and hardships of resettling the
Comment -----

9. (C/NF) FCO contacts have stressed to emboffs in previous discussions that a return to the islands by the Chagossians is economically unstu
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